

Notice of Allowability	Application No.	Applicant(s)
	09/842,335	HAMLIN, CHRISTOPHER L.
	Examiner	Art Unit
	Dennis M. Butler	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to communication received on April 25, 2001.
2. The allowed claim(s) is/are 1-38.
3. The drawings filed on 25 April 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Dennis M. Butler

Dennis M. Butler
Primary Examiner
Art Unit: 2115

1. This action is in response to the application that was filed on April 25, 2001.

Claims 1-38 are pending.

2. The following is an examiner's statement of reasons for allowance:

The claimed invention is allowable over the art of record because the art of record does not teach or suggest an apparatus comprising the communicatively coupled combination of elements including a controller, a hybrid switching element for interpreting network data received from a network device and interpreting storage data received from a storage device, a protocol accelerator utilizing a data storage addressing scheme and an error control component that compensates for loss of at least one of a network element and a data storage element and is communicatively coupled to the hybrid switching element, protocol accelerator and controller to enable error control coding including network and data storage as claimed in independent claims 1, 11, 21 and 29.

The claimed invention is allowable over the art of record because the art of record does not teach or suggest a method of acquiring data comprising the combination of interrelated steps including receiving a request for storage data that is available on a first storage device, determining that the storage data on the first storage device is unavailable by a hybrid switching element, the unavailability of the storage data caused by at least one of a network failure and a storage device failure, delineating a path for obtaining the storage data by determining a communication pathway and a redundant data address and

acquiring the storage data based on the delineated path as claimed in independent claim 19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 703-305-9663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Dennis M. Butler
Dennis M. Butler
Primary Examiner
Art Unit 2115